

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:  
Klaus Schmeil

Case No.: 14-24721  
Judge: \_\_\_\_\_  
Chapter: 13

Debtor(s) "3rd Modified Plan"

**Chapter 13 Plan and Motions**

- ☐ Original ☐ Modified/Notice Required ☒ Discharge Sought  
☐ Motions Included ☒ Modified/No Notice Required ☐ No Discharge Sought

Date: January 18, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 100.00 per month to the Chapter 13 Trustee, starting on February 1, 2017 for approximately 6 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings  
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
William H. Oliver Jr.	Administrative Expenses	\$

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Bank of America 1st and 2nd mortgage - wife's home in Lake Placid regular monthly payment to be paid outside of chapter 13 plan.

**e. Secured Claims to be Paid in Full Through the Plan:**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*

☐ Not less than \_\_\_\_\_ percent

☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

#### Part 8: Other Plan Provisions

##### a. Vesting of Property of the Estate

- ☒ Upon confirmation  
☐ Upon discharge

##### b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

##### c. Order of Distribution

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Other Administrative Claims - William H. Oliver Jr.
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims 6) General Unsecured Claims

##### d. Post-Petition Claims

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

#### Part 9: Modification

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: September 4, 2014.

Explain below **why** the plan is being modified:

Plan is being modified as per order as loan modification for wife's home in Lake Placid were obtained. Regular monthly payments to be made outside of the chapter 13 plan as per loan modification agreement.

Explain below **how** the plan is being modified:

Part 1a changed to \$100 per month for remaining 6 months of the chapter 13 plan.

Part 4d - Bank of America 1st and 2nd mortgages - regular monthly payments to be made outside of the chapter 13 plan as per loan modification agreements.

Are Schedules I and J being filed simultaneously with this Modified Plan?

☒ Yes ☐ No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: January 18, 2017

/s/William H. Oliver Jr.

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: January 18, 2017

/s/Klaus Schmeil

Debtor

Date: \_\_\_\_\_

\_\_\_\_\_

Joint Debtor

## Imaged Certificate of Notice Page 8 of 9

United States Bankruptcy Court  
District of New JerseyIn re:  
Klaus Schmeil  
DebtorCase No. 14-24721-CMG  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin  
Form ID: pdf901Page 1 of 2  
Total Noticed: 35

Date Rcvd: Jan 19, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 21, 2017.

db +Klaus Schmeil, 30 Liberty Hill Lane, Lake Placid, NY 12946-3703  
 cr +BANK OF AMERICA, N.A., Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100,  
 Mt. Laurel, NJ 08054-3437  
 r +Century 21 Abrams Hutchinson Associates, 64 Princeton Heightstown Road,  
 Princeton Junction, NJ 08550-1103  
 r +Coldwell Banker, 50 Princeton-Hightstown Road, Princeton Junction, NJ 08550-1107  
 515043996 American Express Centurion Bank, c/o Becket and Lee LLP, POB 3001, Malvern, PA 19355-0701  
 514924757 +Amex, Po Box 297871, Fort Lauderdale, FL 33329-7871  
 514924758 +Bank of America Legal Processing, DE5-024-02-08, PO 15047, Wilmington, DE 19850-5047  
 515052684 +Bank of America, N.A., Bankruptcy Department, P.O. Box 26012, NC4-105-02-99,  
 Greensboro, NC 27420-6012  
 515122148 +Bank of America, N.A., Attn: Bankruptcy Dept., Mail Stop CA6-919-01-23, 400 National Way,  
 Simi Valley, CA 93065-6414  
 515031854 +Bank of America, NA, PO Box 15222, Wilmington, DE 19886-5222  
 515123213 +Bank of America, NA, c/o Dean R. Prober, Esq., Prober & Raphael,  
 20750 Ventura Boulevard, Suite 100, Woodland Hills, CA 91364-6207  
 514924759 +Bby/Cbna, 50 Northwest Point Road, Elk Grove Village, IL 60007-1032  
 514924760 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Cap One, Po Box 85520, Richmond, VA 23285)  
 514924761 Capital One, PO Box 30285, Salt Lake City, UT 84130-0285  
 515395276 +Capital One, NA, P.O. Box 21887, Eagan, MI 55121-0887  
 515111681 +Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0493  
 514924763 Dr. Faraneh Vargha, 27 Hampstead Hill Gardens, London NW3, UK  
 515145729 Dr. Faraneh Vargha-Khadem, 27 Hampstead Hill Gardens, London NW3 2PJ, UK  
 514924765 +First National Bank of Omaha, P.O. Box 2557, Omaha, NE 68103-2557  
 514933019 +First National Bank of Omaha, 1620 Dodge St., Stop Code 3105, Omaha, NE 68197-0002  
 514924766 +My Best Buy, P.O. Box 790441, Saint Louis, MO 63179-0441  
 514924767 Nadja Schmeil, 3049 Jenn Avenue, Burlington On. L7M0C8 Canada  
 514924768 PSE&G, P.O. Box 14444, New Brunswick, NJ 08906-4444  
 514924769 +Sandra Schmeil, 88 Meserole Avenue, Apt. B, Brooklyn, NY 11222-2673  
 514924770 +Silvia Doranth, 415 Tree Top Lane, Waynesville, NC 28785-9698  
 514924771 Verizon, P.O. Box 920041, Dallas, TX 75392-0041

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jan 19 2017 23:28:56 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jan 19 2017 23:28:53 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 515040346 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Jan 19 2017 23:29:54  
 American InfoSource LP as agent for, Verizon, PO Box 248838,  
 Oklahoma City, OK 73124-8838  
 514924762 +E-mail/Text: mrdiscen@discover.com Jan 19 2017 23:28:06 Discover, P.O. Box 71084,  
 Charlotte, NC 28272-1084  
 514937159 E-mail/Text: mrdiscen@discover.com Jan 19 2017 23:28:06 Discover Bank,  
 DB Servicing Corporation, PO Box 3025, New Albany, OH 43054-3025  
 515030858 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Jan 19 2017 23:30:20  
 Portfolio Recovery Assoc, 140 Corporate Blvd., Norfolk, VA 23502  
 515070718 +E-mail/Text: bankruptcy@pseg.com Jan 19 2017 23:28:00 PSE&G, PO Box 490,  
 Cranford NJ 07016-0490, Attn: Bankruptcy Dept  
 516406953 +E-mail/Text: bnc-quantum@quantum3group.com Jan 19 2017 23:28:39  
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788,  
 Quantum3 Group LLC as agent for, MOMA Funding LLC 98083-0788  
 516406952 E-mail/Text: bnc-quantum@quantum3group.com Jan 19 2017 23:28:39  
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788  
 TOTAL: 9

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

514924764 ##+Elshe Schmeil, 19 Garnet Lane, Princeton Junction, NJ 08550-5219

TOTALS: 0, \* 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 35

Date Rcvd: Jan 19, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 21, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 18, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com  
Albert Russo docs@russotrustee.com  
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com  
Andrew L. Spivack on behalf of Creditor BANK OF AMERICA, N.A. nj.bkecf@fedphe.com  
Andrew M. Lubin on behalf of Creditor Capital One, N.A. bkecf@milsteadlaw.com,  
alubin@milsteadlaw.com  
Denise E. Carlon on behalf of Creditor Capital One, N.A. dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
John M. Sommers on behalf of Creditor BANK OF AMERICA, N.A. JMSommers@KTLBSLAW.com,  
ktlbslaw@aol.com  
Joshua I. Goldman on behalf of Creditor Capital One, N.A. jgoldman@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Warren S. Jones, Jr. on behalf of Creditor BANK OF AMERICA, N.A. wsjonesesq@verizon.net,  
bestcasewsj@gmail.com  
William H. Oliver, Jr. on behalf of Debtor Klaus Schmeil bkwoliver@aol.com

TOTAL: 10